

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

SAMUEL KATZ, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

ALLIED FIRST BANK, SB  
et al.

Defendants.

Case No. 1:22-cv-05277

**JURY TRIAL DEMANDED**

**MOTION FOR LEAVE TO FILE A SUR-REPLY**

Plaintiff, by and through the undersigned counsel, respectfully seeks leave of this Court to file the below sur-reply in support of its opposition to Defendant Allied First Bank, SB's motion, which in its reply has morphed into practically a full-on motion to dismiss. The reply impermissibly morphs the requested relief into a motion to dismiss on various bases. Indeed, as another Court in the Seventh Circuit has explained:

New arguments and evidence may not be raised for the first time in a reply brief. Reply briefs are for replying, not raising new arguments or arguments that could have been advanced in the opening brief. Courts allow a surreply brief only in limited circumstances to address new arguments or evidence raised in the reply brief or objections to the admissibility of the evidence cited in the response.

*Lawrenceburg Power, LLC v. Lawrenceburg Mun. Utils.*, 410 F. Supp. 3d 943, 949 (S.D. Ind. 2019). The sur-reply here is intended only to address this new basis for relief and the singular legal citation in purported support for it. As such, the Plaintiff's motion should be granted and the proposed sur-reply is attached as Exhibit 1.

Dated: July 8, 2024

/s/ Anthony I. Paronich

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